

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4395 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SONI JAYANTIBHAI DEVCHANDBHAI

Versus

STATE OF GUJARAT

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Appearance:

MR PAHWA for M/S THAKKAR ASSOC. for Petitioner

MR SAMIR DAVE for Respondent No. 1, 2, 3

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/01/99

ORAL JUDGEMENT

1. Rule. Shri Samir Dave waives service of rule on behalf of the respondents. Looking to the nature of the case, the matter is taken up for final hearing with the consent of the learned counsel for the parties.

2. It is a case where the licence of the petitioner of the fair price shop has been suspended for 60 days. The petitioner filed a revision application against that

order and therein prayer has been made for grant of interim relief but the revisional authority though admitted the revision application, declined to grant the interim relief. Hence, this revision application before this court.

3. This court on 9-6-1998 issued notice to respondents and interim relief in terms of para-11(B) is granted. Para-11(B) reads as under:

Your Lordships be pleased to stay the order dated 27-3-1998 passed by the respondent Collector and the order dated 23-11-1997 passed by the respondent District Supply Officer during the pendency of the revision application before the Government in the interest of justice and equity.

4. It is possible that by now the revision application would have been disposed of. However, learned counsel for the parties are not in a position to make any affirmative statement on this fact. I have my own reservation whether in such matters any interference could have been made by this court under Article 226 or 227 of the Constitution but the fact that this Court has protected the petitioner and this interim relief continues for about more than six months, with the consent of the learned counsel for the parties, I consider it to be appropriate and in the interest of justice that this writ petition may be disposed of in the terms that the interim relief granted by this Court on 9-6-1998 shall continue till the decision of the revision application by the revisional authority. The revisional authority is directed to decide the revision application of the petitioner, if it is not already decided so far within a period of two months from the date of receipt of writ of this order. Rule and special civil application stand disposed of accordingly with no order as to costs.

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